

Effective 5/8/2018

53-7-225 Times for sale and discharge of fireworks -- Criminal penalty -- Permissible closure of certain areas -- Maps and signage.

- (1) Except as provided in Section 53-7-221, this section supersedes any other code provision regarding the sale or discharge of fireworks.
- (2) A person may sell class C common state approved explosives in the state as follows:
 - (a) beginning on June 24 and ending on July 25;
 - (b) beginning on December 29 and ending on December 31; and
 - (c) two days before and on the Chinese New Year's eve.
- (3) A person may not discharge class C common state approved explosives in the state except as follows:
 - (a) between the hours of 11 a.m. and 11 p.m., except that on July 4 and July 24, the hours are 11 a.m. to midnight:
 - (i) beginning on July 2 and ending on July 5; and
 - (ii) beginning on July 22 and ending on July 25;
 - (b)
 - (i) beginning at 11 a.m. on December 31 and ending at 1 a.m. on the following day; or
 - (ii) if New Year's eve is on a Sunday and the county, municipality, or metro township determines to celebrate New Year's eve on the prior Saturday, then a person may discharge class C common state approved explosives on that prior Saturday within the county, municipality, or metro township; and
 - (c) beginning at 11 a.m. on the Chinese New Year's eve and ending at 1 a.m. on the following day.
- (4) A person is guilty of an infraction, punishable by a fine of up to \$1,000, if the person discharges a class C common state approved explosive:
 - (a) outside the legal discharge dates and times described in Subsection (3); or
 - (b) in an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b).
- (5)
 - (a) Except as provided in Subsection (5)(b) or (c), a county, a municipality, a metro township, or the state forester may not prohibit a person from discharging class C common state approved explosives during the permitted periods described in Subsection (3).
 - (b)
 - (i) As used in this Subsection (5)(b), "negligent discharge":
 - (A) means the improper use and discharge of a class C common state approved explosive; and
 - (B) does not include the date or location of discharge or the type of explosive used.
 - (ii) A municipality or metro township may prohibit:
 - (A) the discharge of class C common state approved explosives in certain areas with hazardous environmental conditions, in accordance with Subsection 15A-5-202.5(1)(b); or
 - (B) the negligent discharge of class C common state approved explosives.
 - (iii) A county may prohibit the negligent discharge of class C common state approved explosives.
 - (c) The state forester may prohibit the discharge of class C common state approved explosives as provided in Subsection 15A-5-202.5(1)(b) or Section 65A-8-212.
- (6) If a municipal legislative body, the state forester, or a metro township legislative body provides a map to a county identifying an area in which the discharge of fireworks is prohibited due to a historical hazardous environmental condition under Subsection 15A-5-202.5(1)(b), the county shall, before June 1 of that same year:

- (a) create a county-wide map, based on each map the county has received, indicating each area within the county in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b);
 - (b) provide the map described in Subsection (6)(a) to:
 - (i) each retailer that sells fireworks within the county; and
 - (ii) the state fire marshal; and
 - (c) publish the map on the county's website.
- (7) A retailer that sells fireworks shall display:
- (a) a sign that:
 - (i) is clearly visible to the general public in a prominent location near the point of sale;
 - (ii) indicates the legal discharge dates and times described in Subsection (3); and
 - (iii) indicates the criminal charge and fine associated with discharge:
 - (A) outside the legal dates and times described in Subsection (3); and
 - (B) within an area in which fireworks are prohibited under Subsection 15A-5-202.5(1)(b); and
 - (b) the map that the county provides, in accordance with Subsection (6)(b).

Amended by Chapter 189, 2018 General Session